

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

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TRUSTEES FOR THE UPPER PENINSULA  
PLUMBERS' AND PIPEFITTERS' HEALTH &  
WELFARE FUND; TRUSTEES FOR THE UPPER  
PENINSULA PLUMBERS' AND PIPEFITTERS'  
PENSION FUND; TRUSTEES FOR THE UPPER  
PENINSULA PLUMBERS' AND PIPEFITTERS'  
EDUCATIONAL FUND, TRUSTEES FOR THE  
UPPER PENINSULA PLUMBERS' AND  
PIPEFITTERS' BCTC FUND, AND TRUSTEES  
FOR THE UPPER PENINSULA PLUMBERS' AND  
PIPEFITTERS' MONEY PURCHASE FUND,

Docket No.: 4:04 cv 139

Honorable Wendell A. Miles,  
Senior, U.S. District Judge

Plaintiffs,

v.

M.J. BERGER, INC., a Michigan Corporation,

Defendant.

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SCOTT GRAHAM  
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**DEFAULT JUDGMENT**

At a session of the United States District Court  
for the Western District of Michigan  
held in Grand Rapids, Michigan  
on the 10th day of MAY, 2005

PRESENT: HONORABLE WENDELL A. MILES  
SENIOR, UNITED STATES DISTRICT JUDGE

It appearing from the files and records that an Affidavit for Entry of Default and Entry of Default have been duly filed and that the Defendant has failed to plead or otherwise defend as required by the Federal Rules of Civil Procedure, and the Court having reviewed the Motion for Entry of Judgment submitted by the Plaintiffs, and the Plaintiffs' Complaint being for specific relief in the

form of contributions and for a specific order requiring Defendant to remit contributions in a timely manner, all as required by the terms of an applicable collective bargaining agreement, and the Court having determined that Plaintiffs are entitled to the relief requested, including, attorney fees and costs pursuant to 29 U.S.C. § 1132(g)(2)(D), and the Court being fully advised in the premises:

**NOW THEREFORE, IT IS ORDERED AND ADJUDGED** that a Default Judgment enters this day in favor of Plaintiffs and against Defendant in the amount of One Thousand Four Hundred Ten and 70/100 Dollars (\$1,410.70);

**IT IS FURTHER ORDERED** that Defendant shall immediately pay all outstanding fringe benefit contributions that it owes to the plans for which the Plaintiffs are Trustees, and that Defendant shall timely pay all contributions that accrue from this date forward;

**IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiffs shall be entitled to an award of attorney fees and costs in this action, to be supported by the verified statement of Plaintiffs' counsel.

**Dated: May 10, 2005**

**/s/ Wendell A. Miles**

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Honorable Wendell A. Miles  
Senior, United States District Judge